

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

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|-----------------------------------|---|--|
| James Edward Ellerbe, #17155-056, |) | |
| |) | Civil Action No. 6:05-1803-HFF-WMC |
| Plaintiff, |) | |
| |) | <u>REPORT OF MAGISTRATE JUDGE</u> |
| vs. |) | |
| |) | |
| United States of America, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on motion of the plaintiff for voluntary dismissal without prejudice. A proper form order was filed on July 5, 2005, and the defendants have not yet been served.

Wherefore, it is recommended that the plaintiff's motion be granted and this action be dismissed without prejudice.

s/William M. Catoe
United States Magistrate Judge

July 25, 2005

Greenville, South Carolina